

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

APOTEX, INC.,

*Plaintiff,*

v.

CEPHALON, INC., *et al.*

*Defendants.*

Civil Action No. 2:06-cv-2768-MSG

**APOTEX'S MOTION TO  
DECLARE THIS AN EXCEPTIONAL CASE AND FOR ATTORNEYS' FEES AND  
EXPENSES PURSUANT TO 35 U.S.C. § 285 AND FRCP 54(d)(2)**

In light of the Court's findings in its 11/07/2011 Amended Memorandum Opinion (D.I. 516), Apotex respectfully moves the Court to declare this case exceptional pursuant to 35 U.S.C. § 285 and award reasonable attorneys' fees (including qualifying non-taxable costs) under Fed. R. Civ. P. 54(d)(2). In support of this motion, Apotex has filed a supporting memorandum of law contemporaneously herewith.

Respectfully submitted,

Dated: November 11, 2011

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**CERTIFICATE OF SERVICE**

I certify that on November 11, 2011, a copy of APOTEX'S MOTION TO DECLARE THIS AN EXCEPTIONAL CASE AND FOR ATTORNEYS' FEES AND EXPENSES PURSUANT TO 35 U.S.C. § 285 AND FRCP 54(d)(2) was served via the Court's ECF system.

Dated: November 11, 2011

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